

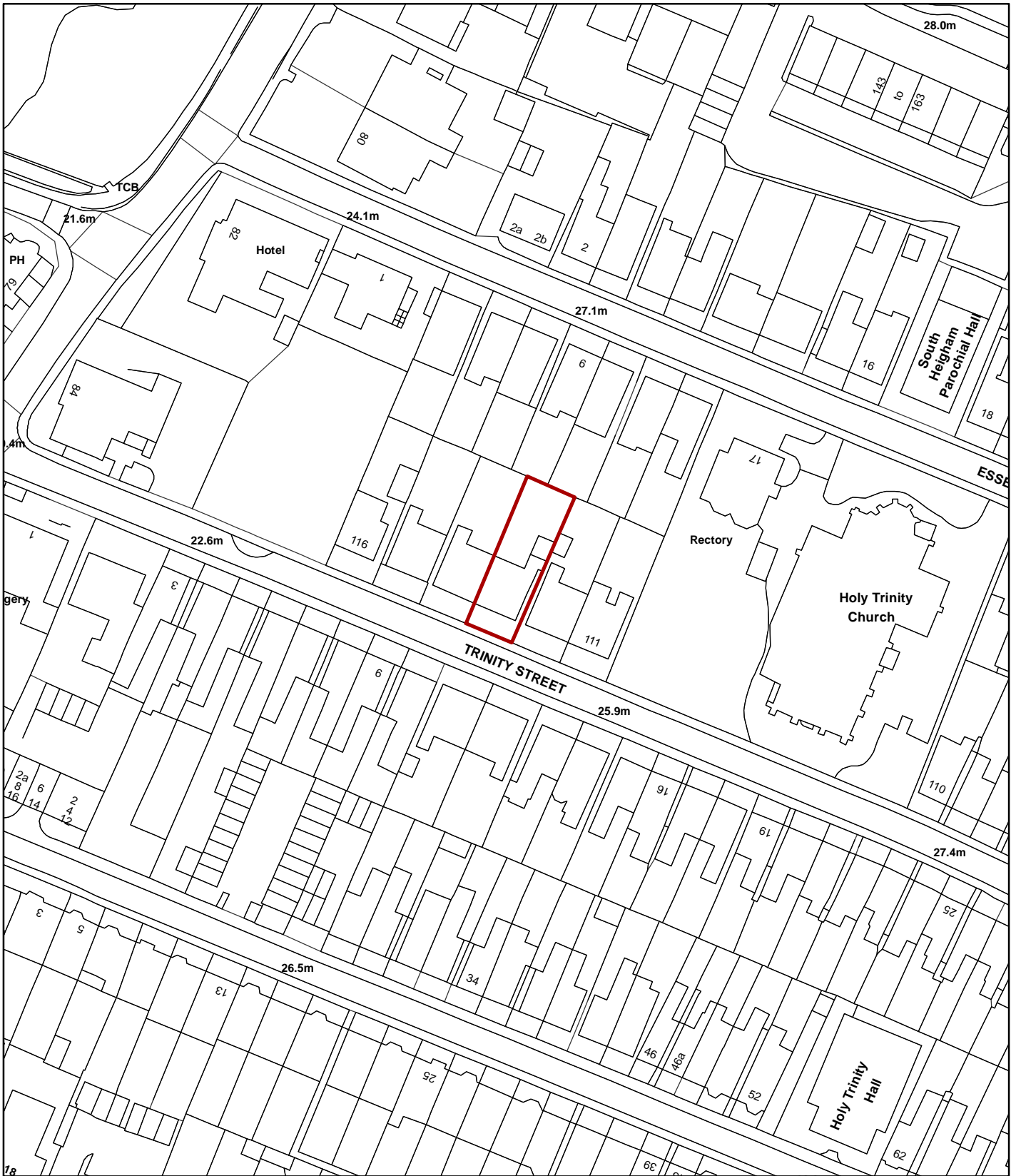
Report to Planning applications committee
14 June 2018
Report of Head of planning services
Subject Enforcement Case 18/00026/ENF - 113 Trinity Street

Item

5(h)

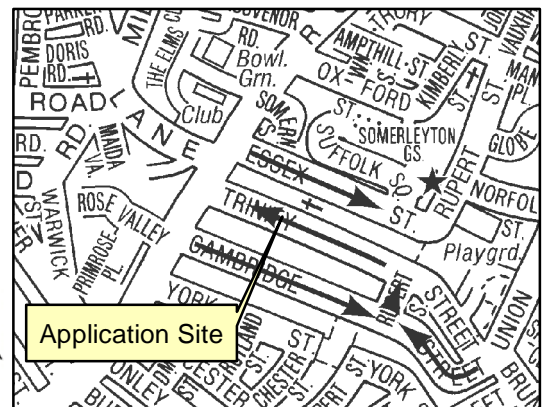
Ward:	Town Close
Case officer	Lara Emerson Contact: laraemerson@norwich.gov.uk

Description	Removal of boundary wall fronting boundary.
Reason for consideration at committee	Enforcement action recommended
Recommendation	Authorise enforcement action to require the wall to be rebuilt.



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Planning application no: 18/00026/ENF
 Site Address: 113 Trinity Street
 Scale: 1:1,000



The site

1. 113 Trinity Street is a semi-detached double fronted Victorian property located on the north-east side of Trinity Street.
2. The property sits within the Heigham Grove Conservation Area, is locally listed and covered by an Article 4 Direction which removes permitted development rights for the demolition of walls fronting a highway, amongst other things.

Relevant planning history

3. No relevant planning history.

The breach

4. The council was made aware that one side of the boundary wall fronting Trinity Street had been demolished in February 2018. In the first instance, officers visited the site to ascertain what works had been carried out.
5. Having determined that the works would have required planning permission (since the property is covered by an Article 4 Direction which removes permitted development rights for the demolition of walls fronting a highway, amongst other things) and that no such permission have been sought or obtained, the council discussed the issue with the property owner in March 2018. The owner, who is a landlord of the property, claimed responsibility for the works, stating that the works had been carried out to provide off street parking for his vehicle and the vehicles of trades people.
6. The council requested that the owner rebuild the wall, making clear that the wall should be of the same appearance as the wall which had been demolished.
7. On 9th May 2018, officers revisited the property and noted that a wall had been rebuilt, but that it was of different materials and of a different length to that which had been demolished, contrary to the council's earlier request. After discussing the issue with Design & Conservation Officers, officers concluded that the works would not be considered acceptable since the brick is inappropriate and the enlarged gap interrupted the property's boundary and would still provide vehicular access to the site. It is worth mentioning that the appearance of the wall which had been demolished was not particularly appropriate, but the council can only reasonably request a like-for-like replacement, rather than any enhancement. Officers again wrote to the property owner repeating their earlier request for the wall to be rebuilt as it was before demolition.
8. Since this time, officers have again visited the property to observe that half of the rebuilt wall has been demolished in a diagonal fashion, presumably to provide easier vehicular access.
9. Front boundary walls are a characteristic feature of this conservation area, and have been protected via an Article 4 Direction to safeguard the conservation area's significance. The works, as carried out, cause harm to the character and

amenity of this locally listed building and the wider conservation area, contrary to policy DM9 of the Development Management Policies Local Plan 2014.

10. In correspondence, the owner has noted that he was not aware of the Article 4 Direction and has stated that he would like to seek compensation for the cost of the works which have been carried out. Members should be aware that Article 4 Direction legislation only makes compensation available to property owners in very specific circumstances, and only within 12 months of the implementation of the Article 4 Direction. This Article 4 Direction was implemented in June 2011 so compensation is not available in this case.
11. The owner has also made reference to the fact that the neighbouring property, 114 Trinity Street, has carried out similar works. 114 Trinity Street had an enlarged entrance to provide parking in the front garden prior to the implementation of the Article 4 Direction, so this would have been permitted development at the time. The front boundary wall has recently been completely demolished, and this is the subject of a separate enforcement matter.
12. The owner has also suggested that he will be unable to properly manage the rented property (as recently requested by the council's Environmental Protection Team) if he and his employed trades people cannot park at the front of the property. It is worth noting that there are on-street parking bays nearby which would provide 2 hours of free parking and would suit this purpose.

Relevant policies

National Planning Policy Framework (March 2012):

- NPPF7 Requiring good design
- NPPF12 Conserving and enhancing the historic environment

Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan 2014:

- JCS2 Promoting good design

Norwich Development Management Policies Local Plan adopted Dec 2014:

- DM3 Delivering high quality design
- DM9 Safeguarding Norwich's heritage

Justification for enforcement

13. Front boundary walls are a characteristic feature of this conservation area, and have been protected via an Article 4 Direction to safeguard the conservation area's significance. By virtue of the interruption in the front boundary treatment, the use of inappropriate bricks, and the introduction of a parked car within the front garden, the works cause harm to the character and amenity of this locally listed building and the wider conservation area, contrary to policy DM9 of the Development Management Policies Local Plan 2014.

Equality and Diversity Issues

14. The Human Rights Act 1998 came into effect on 2nd October 2000. In so far as its provisions are relevant:

- a. Article 1 of the First Protocol (the peaceful enjoyment of one's possessions), is relevant in this case. Parliament has delegated to the council the responsibility to take enforcement action when it is seen to be expedient and in the public interest.
- b. Article 6: the right to a fair hearing is relevant to the extent that the recipient of the enforcement notice and any other interested party ought to be allowed to address the Committee as necessary. This could be in person, through a representative or in writing.

Conclusion

15. The works have caused harm to designated and non-designated heritage assets contrary to local and national policies and unfortunately informal correspondence has not been successful. It is therefore considered expedient to pursue enforcement action.

Recommendation

16. Authorise enforcement action, up to and including prosecution, to require the wall to be rebuilt.